



State of Wisconsin
1997 - 1998 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1997 ASSEMBLY BILL 44**

June 10, 1997 – Offered by Representatives PORTER, WARD, OWENS, JOHNSRUD,
ALBERS, LORGE, GOETSCH and HAHN.

1 **AN ACT** *to renumber and amend* 66.076 (1); *to amend* 66.36 (6) and 66.60 (6m)
2 (c); and *to create* 66.076 (1) (b) of the statutes; **relating to:** the authority of
3 towns and town sanitary districts to levy special assessments for water and
4 sewage systems on certain farmland, and the methods used by cities, villages,
5 towns and metropolitan sewerage districts to finance sewerage projects and
6 granting rule-making authority.

***The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:***

7 **SECTION 1.** 66.076 (1) of the statutes is renumbered 66.076 (1) (a) and amended
8 to read:
9 66.076 (1) (a) In addition to all other methods provided by law, any
10 municipality may construct, acquire or lease, extend or improve any plant and
11 equipment within or without its corporate limits for the collection, transportation,
12 storage, treatment and disposal of sewage, including the lateral, main and

1 interceptor sewers necessary in connection therewith, and any town, village or city
2 may arrange for such service to be furnished by a metropolitan sewerage district or
3 joint sewerage system. Except as provided in s. 66.60 (6m), payment for ~~the same~~
4 a sewerage project described in this paragraph, or any part thereof of such project,
5 may be provided from the general fund, from taxation, special assessments,
6 sewerage service charges, or from the proceeds of either municipal obligations,
7 revenue bonds or from any combination of these enumerated methods of financing.

8 **SECTION 2.** 66.076 (1) (b) of the statutes is created to read:

9 66.076 (1) (b) If the extension of a sewer line or water main that is described
10 under par. (a) is required because of a new subdivision, as defined in s. 236.02 (12),
11 or commercial development, the municipality may recoup some or all of the costs that
12 it has incurred for the extension by a method described under par. (a) or by any other
13 method of financing agreed to by the municipality and the developer. If a person,
14 whose property is outside of the subdivision for which a developer is paying, or has
15 paid, the costs of a sewerage project under this paragraph, connects an extension into
16 the sewerage project after the amount is established that the developer is required
17 to pay under this paragraph, that person shall pay to the developer an amount
18 determined by the public service commission. The public service commission shall
19 promulgate rules to determine the amount that such a person shall pay to a
20 developer. The rules promulgated under this paragraph shall be based on the
21 benefits accruing to the property that connects an extension into the sewerage
22 project.

23 **SECTION 3.** 66.36 (6) of the statutes is amended to read:

24 66.36 (6) Payment as provided under s. 66.076 (1) (a).

25 **SECTION 4.** 66.60 (6m) (c) of the statutes is amended to read:

1 66.60 (6m) (c) 1. If any eligible farmland contains a structure that is connected
2 to a sanitary sewer or public water system at the time, or after the time, that a town
3 sanitary district or town first levies a special assessment for the construction of a
4 sewerage or water system in the service area in which the eligible farmland is
5 located, the town sanitary district or town may levy a special assessment for the
6 construction of a sewerage or water system on the eligible farmland that includes
7 that structure. If that connection is made after the first assessment, the town
8 sanitary district or town may also charge interest, from the date that the connection
9 is made, on the special assessment at an annual rate that does not exceed the average
10 interest rate paid by the district or town on its obligations between the time the
11 district or town first levies a special assessment for the construction of a sewerage
12 or water system in the service area in which the eligible farmland is located and the
13 time it levies the special assessment on that eligible farmland. That assessment may
14 not exceed the equivalent of an assessment for that purpose on a square acre or, if
15 the governing body of a town sanitary district or town so specifies by ordinance, the
16 maximum size of any lot that is in that service area and that is not devoted
17 exclusively to agricultural use.

18 2. If after an initial special assessment for the construction of a sewerage or
19 water system is levied in a service area any eligible farmland subject to subd. 1. or
20 exempted from a special assessment under par. (b) is divided into 2 or more parcels
21 at least one of which is not devoted exclusively to agricultural use, the town sanitary
22 district or town may levy on each parcel on which it has either levied a special
23 assessment under subd. 1. or has not levied a special assessment for the construction
24 of a sewerage or water system a special assessment for that purpose that does not
25 exceed the amount of the special assessment for that purpose that would have been

1 levied on the parcel if the parcel had not been exempt under par. (b) or that has
2 already been levied under subd. 1. The special assessment shall be apportioned
3 among the parcels resulting from the division in proportion to their area. The town
4 sanitary district or town may also charge interest, from the date the eligible
5 farmland is divided into 2 or more parcels at least one of which is not devoted
6 exclusively to agricultural use, on the special assessment at an annual rate that does
7 not exceed the average interest rate paid by the district or town on its obligations
8 between the time the district or town first levies a special assessment for the
9 construction of a sewerage or water system in the service area in which the eligible
10 farmland is located and the time it levies the special assessment on that eligible
11 farmland under this subdivision. This subdivision does not apply to any eligible
12 farmland unless the town sanitary district or town records a lien on that eligible
13 farmland in the office of the register of deeds within 90 days after it first levies a
14 special assessment for the construction of a sewerage or water system for the service
15 area in which the eligible farmland is located, describing either the applicability of
16 subd. 1. or the exemption under par. (b) and the potential for a special assessment
17 under this subdivision.

18 3. If, after a town sanitary district or town first levies a special assessment for
19 the construction of a sewerage or water system in a service area, the eligible
20 farmland in that service area exempted from the special assessment under par. (b)
21 is not devoted exclusively to agricultural use for a period of one year or more, the town
22 sanitary district or town may levy on that eligible farmland the special assessment
23 for the construction of a sewerage or water system that it would have levied if the
24 eligible farmland had not been exempt under par. (b). The town sanitary district or
25 town may also charge interest, from the date the eligible farmland has not been

1 devoted exclusively to agricultural use for a period of at least one year, on the special
2 assessment at an annual rate that does not exceed the average interest rate paid by
3 the district or town on its obligations between the time the district or town first levies
4 a special assessment for the construction of a sewerage or water system in the service
5 area in which the eligible farmland is located and the time it levies the special
6 assessment on that eligible farmland. This subdivision does not apply to any land
7 unless the town or special purpose district records a lien on that eligible farmland
8 in the office of the register of deeds within 90 days after it first levies a special
9 assessment for the construction of a sewerage or water system in the service area in
10 which the eligible farmland is located, describing the exemption under par. (b) and
11 the potential for a special assessment under this subdivision.

12 **SECTION 5. Nonstatutory provisions.**

13 (1) (a) The public service commission shall submit proposed rules required
14 under section 66.076 (1) (b) of the statutes, as created by this act, to the legislative
15 council staff for review under section 227.15 (1) of the statutes no later than the first
16 day of the 6th month beginning after the effective date of this paragraph.

17 (b) Using the procedure under section 227.24 of the statutes, the public service
18 commission shall promulgate rules required under section 66.076 (1) (b) of the
19 statutes, as created by this act, for the period before the effective date of the rules
20 submitted under paragraph (a), but not to exceed the period authorized under section
21 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2)
22 (b) of the statutes, the commission need not provide evidence of the necessity of
23 preservation of the public peace, health, safety or welfare in promulgating rules
24 under this paragraph.

25 **SECTION 6. Initial applicability.**

